



Section 1: Court and Community Collaboration – Overview and Guidelines



The ideals of justice and compassion are nurtured in communities.

—John W. Gardner

PUBLIC TRUST AND CONFIDENCE IN OUR SYSTEM OF JUSTICE

During the public comment periods at each meeting of the Special Task Force on Court/Community Outreach, members of the public related their personal experiences. These experiences demonstrated to the task force that courthouses and the judicial process often are confusing and not readily understood by the people the courts serve. Often, members of the public enter a courthouse without knowing where to report for jury duty, where to pay their ticket, what is expected of them in court, or what types of pro per¹ services might be available to them. Members of the public may find the courthouse, judges, and court staff to be intimidating and remote.

These public remarks were consistent with national research conducted to assess the public's opinion of the courts. Over the last quarter of a century, justice system leaders have become aware of a significant decline in the level of public trust and confidence in the justice system and an increasing lack of public understanding of and support for the courts. This decline in trust and support has been documented through a series of national and state public surveys. (A detailed report on these surveys is found in the task force's Final Report to the Judicial Council.) The areas of focus of these surveys and the general conclusions drawn are presented below.

Focusing on the public's ...	the conclusions drawn are that ...
overall opinion of their court system ...	most often, less than half of the public has a generally positive opinion of their local court system. Furthermore, approximately 15 to 25 percent of the public has a generally negative overall opinion of their court system.

¹ *Pro per* litigants are those who use the services of the courts without representation by a lawyer. They may be proceeding without representation by choice or because they are unable to afford to hire an attorney. The term is an abbreviation for the legal phrase, *in propria persona*, which means in one's own proper person.



Focusing on the public's ...	the conclusions drawn are that ...
perception of bias within their court system, specifically with regard to race, income, and gender ...	respondents generally believe that their courts are not consistent in the level of fairness they administer and that income is most often perceived as the most salient factor that affects court system fairness.
level of confidence in their court system ...	while respondents tend to be more confident in the court system than in many other government institutions, the courts do not enjoy an overwhelming level of public confidence.
familiarity with their court system ...	fewer than one-half of respondents understand basic legal principles like the burden of proof; between 20 and 40 percent of the populace believes that they are familiar with the organization and operation of their court system; and most people receive their information about the court system from newspapers or television news.

WHY SHOULD COURTS REACH OUT TO THE COMMUNITIES THEY SERVE?

Community outreach offers us two opportunities. First is the opportunity to engage in public education about the court system, its role and responsibilities, and also about why it is so important to have an independent and strong third branch. Second, community outreach offers us an opportunity to engage in a dialogue with the public and the private business sector about how to improve the court system.

—Frederick K. Ohlrich
Court Executive Officer, Los Angeles Municipal Court

Given the decline in public trust and confidence in the courts, it is important that the courts sincerely seek to provide improved services to the users of the justice system and that courts renew their traditional position of leadership within their communities. People care very deeply about justice. It is the backbone of a free and civil society. Historically, the courts and attorneys were looked to as community leaders. To reclaim that respected role, the courts need to open avenues of communication with the public through which the courts truly “listen.” Creating those opportunities for dialogue will enable the courts to be more responsive to both the people they serve and those to whom they are accountable for the use of public resources. It is also important that the courts reach out to their communities to develop groups of individuals who are both knowledgeable about the courts’ purpose and function and committed to ensuring that courts receive the support they need to carry out their vital constitutional role. Two assumptions underlie this idea:



- Unlike the other two branches of government, the judiciary has no general public constituency. For reasons of public confidence and court resource needs, the building of such a constituency is critical to the court's survival.
- The most effective way to create such a constituency is to invite citizens to become directly involved in court processes, as volunteers or advisors. Once the citizens understand the role played by the courts, they are able to speak on behalf of the court's interest.²

WHO OR WHAT IS THE COMMUNITY?

The word community means many different things to different people. The task force considered the following, when examining the definition of community:

com•mu•ni•ty *n. pl. -ties* [ME *communitē*, citizenry < OFr. *communitē* < Lat. *communitas*, fellowship < *communis*, common.] 1. **a.** A group of people residing in the same locality and under the same government. **b.** The area or locality in which such a group resides. 2. A group or class having common interests <the academic *community*> 3. Likeness or identity <a *community* of interests> 4. Society as a whole. 5. *Ecol.* **a.** A group of plants and animals living in a particular region under more or less similar conditions. **b.** The region in which such a group lives. 6. Common ownership or participation.³ (SYNONYMS: citizenry, consumers, customers, constituents, stakeholders, "locals," users, individuals, nonlawyers, people)

As used in this handbook, community means all of those individuals, and the organizations to which those individuals belong or with which they affiliate, who reside in the locales in which our courts operate and who look to the court to provide justice in a civil society.

REVIVING A "SENSE OF COMMUNITY"

Many institutions in society are seeking to revive a "sense of community" in order to address feelings of alienation, disenfranchisement, disconnection, and isolation experienced by many people. These issues directly impact the work of the courts in the nature and number of cases that the justice system is called upon to help resolve. These issues also impact the justice system as an institution seeking to revive a sense of community within its own organizations and with the community at large.

² *Citizens and Their Courts*, Alexandria, VA: National Courts and Community Advisory Committee and State Justice Institute, 1995.

³ *Webster's II New College Dictionary*. Boston: Houghton Mifflin Company, 1995.



In considering what is needed to develop a sense of community, one commentator has offered the following five basic principles for reviving a sense of balance and connection that serves all people.⁴

- ***Empowering individuals and organizations.*** All success in improving the quality of life rests on the principle of empowering individuals and organizations and developing their sense of ownership and responsibility for the community. The community will not thrive unless its citizens feel they own it.
- ***Building community as an interconnected whole.*** Problems must be seen as an interconnected whole that can be addressed only as a whole, with an emphasis on community building. Successful community building connects local initiatives and power to centralized structures at the metropolitan, regional, and national levels.
- ***Maximizing results by coordinating individual efforts.*** Problems can best be addressed when individual programs within a neighborhood or reasonably sized geographic area coordinate their efforts. Twenty organizations taking a half step together will accomplish more than the same number taking a whole step independently.
- ***Recognizing and calling on leadership from all parts of the community.*** Leaders from all parts of the community, governmental agencies, community organizations, religious organizations, grassroots organizers, youth, businesses, industry, and the elderly should form networks that empower individuals and organizations so that they help define the needs of their community. The process must then be inclusive, inviting to all.
- ***Assuring diversity and inclusivity.*** The effort to build networks, to empower individuals and organizations, and to create a sense of community ownership must be inclusive racially and ethnically as well as by gender, class, and age.

THE PRIMARY BENEFITS OF COURT AND COMMUNITY COLLABORATION

The National Center for State Courts Community-Focused Court Development Initiative identifies six primary benefits to the administration of justice and its contribution to community life that can result from court and community collaboration.⁵

⁴ Gregory S. Prince, Jr. "Keynote address." National Center for State Courts' Improving Court & Community Collaboration National Town Hall Meeting. Boston, October 14, 1995. At the time of his remarks, Hampshire College had recently hosted an urban conference to discuss the collapse of metropolitan communities.

⁵ Rottman, Casey, Efkenman, *Court and Community Collaboration: Ends and Means*, National Center for State Courts (1998). The Community-Focused Court Development Initiative, an initiative of the National Center for State Courts with funding and support from the Bureau of Justice Assistance, began in 1995 to investigate the value of community-focused courts and to begin to develop a response to the need for greater court and community



- ***Reconciles the bench and public.*** Affords individual courts and court systems a means to influence public opinion at the local level through education and by becoming more accessible, fair, timely, and accountable.
- ***Strengthens judicial independence.*** Provides a forum for an ongoing, informal informed exchange, avoiding a case-by-case accounting and allowing judges to respond to unfair attacks and misperceptions of the judicial role.
- ***Improves case disposition.*** Can build more appropriate and more effective choices for judges in criminal and civil cases. Collaboration directs attention to those procedures and options that tend to result in positive impacts on communities.
- ***Attracts new resources.*** Provides courts with the talents and energy of volunteers. Collaboration can allow courts to develop imaginative and effective programs for sentencing substance abusers, domestic violence batterers, and juvenile delinquents. Court and community collaboration defines an expanded judicial role that current and potential judges may find attractive.
- ***Strengthens communities.*** Creates a unique vehicle for addressing local problems, combining the teeth of court sanctions with the power of community networks to forge more effective forms of treatment and social service delivery.
- ***Accommodates diversity.*** Provides an opportunity for judges and court staff to access and become sensitive to the distinctive perspectives and concerns of racial, ethnic, and class groups. Court and community collaborations facilitate a meaningful dialogue between the judiciary and groups traditionally estranged from the justice system.

COURT AND COMMUNITY COLLABORATION — GENERAL GUIDELINES

The following guidelines are intended to summarize the outcomes of the national discussions and studies regarding court and community collaboration and the conclusions reached by the Special Task Force on Court/Community Outreach. These guidelines should be considered as the courts begin design, implementation, or enhancement of court community outreach dialogue and public education programs as well as other collaboration opportunities.

Embarking on court and community collaboration takes most courts and their communities into uncharted territory. The experience of successful court and community

collaboration. This initiative is led by a diverse committee including members from the judiciary, judicial administration, the bar, and the public with an interest in the courts.



collaborations suggests broad principles that help provide direction for the development and enhancement of court community outreach programs.

- ***Court responsibility and accountability.*** Court and community collaboration does not occur at the expense of ultimate court control over court operations and decisions in individual cases. Court and community collaboration cannot violate the constitutional and statutory framework within which the judicial branch operates. Each court and community collaboration effort should define in advance the areas of autonomy being retained by the court and the areas of autonomy being retained by the participating community organizations. By definition, however, collaborations involve some sharing of power between the court and the community.
- ***Open participation and equitable distribution of power.*** Community participation should not be limited to specific individuals or groups. The “community” should be defined in the most inclusive sense possible. Participation by organizations and individuals from all racial, ethnic, and income groups should be actively and continuously pursued. Court and community collaborations should not result in the unfair distribution of power and influence among community participants.
- ***Opportunities and limitations created by the canons of judicial ethics.*** The canons of judicial ethics encourage judicial participation in and responsibility for continuing improvements in the administration of justice. At the same time, the canons provide guidelines for assuring that judicial officers are truly independent and fair in their decision making. Avoiding direct conflicts of interest and the appearance of impropriety is the signature element of the canons of judicial ethics. Therefore, judges should play an active role in community outreach activities but must find ways to be individually comfortable with that role. Of primary importance is ensuring that obtaining support and funding for particular court and community collaborative ventures does not violate those canons. Nongovernmental funding and sponsorship for a court and community program should be collected and administered in a way that does not link program results to any particular interest group or to any particular judge. (A complete review of ethical considerations and suggested guidelines is included in Section 6.)
- ***Assess program effectiveness on an ongoing basis.*** The effectiveness of court and community collaborations should be monitored regularly. When possible, an independent, outside evaluator should be retained for this purpose. Consider options for collaboration with local colleges, universities, or other research organizations if such are available in the community. Enlisting the aid of such a local resource in performing an independent assessment may provide that resource a welcome project opportunity and may substantially reduce costs to the courts for such services.



Many criteria should be considered in developing the assessment, but one of the most important, the criteria for terminating a collaborative program, should be specified at the start and reviewed periodically so that all participants in the program operate with the same expectations for the future.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has developed a fact sheet, *Performance Measures: What Works?* that may be useful in considering program evaluation. For a copy of this document, go to www.ncjrs.org/ojjdp or call the OJJDP clearinghouse at 800-638-8736.

- ***Creativity and new resources.*** Court budgets and the allocation of judicial and staff time should not unduly restrict the potential for meaningful participation in court and community collaboration. Through the careful solicitation of community involvement and volunteers, the courts and their communities can create programs that are not dependent on traditional sources of court funding and resources.

FIRST STEPS

The first steps to organizing a community outreach program include:

<i>Identifying</i>	the issues and needs of the community and the courts
<i>Assessing</i>	current court community relations
<i>Determining</i>	availability of staff, volunteers, and funding
<i>Examining</i>	community assets
<i>Evaluating</i>	the effectiveness of current outreach efforts
<i>Defining</i>	target audiences
<i>Developing</i>	a mission statement and objectives for the program

KEY ELEMENTS OF SUCCESS

The most successful community collaboration programs share some key elements.

<i>Successful programs ...</i>

- create and maintain an ongoing court community ***dialogue***.
- reflect the ***diversity*** of the community.
- make services and opportunities for involvement ***accessible*** to all community members.
- present ***useful and interesting*** information to the participants.



- encourage **collaboration** with other agencies and groups.
- solicit and evaluate **feedback** from participants.
- continually **promote** activities to the target audiences.

OBSTACLES AND CHALLENGES TO WATCH FOR

Challenges or obstacles to court and community collaboration exist, including resistance from both the courts and their communities. To meet those challenges and overcome such obstacles, it is important that court and community collaboration leaders be aware of and prepared to deal with them. Other challenges unique to each community may also exist and should be identified and discussed at the community level. Some of the obstacles and challenges that may be present include the following:

Obstacles created by the courts

- *Resistance to change* can stem from a variety of sources, including a belief that the system does not need to change, fear of possible consequences, and fear of exposure to criticism.
- *System impediments* that are part of the institutional history of the courts result in a closed, isolated system that is too “complicated” to accommodate those outside the system.

Obstacles created by the community

- *Public apathy* is a general lack of interest in the system.
- *Limited public understanding* means that the public is missing a basic understanding of the justice system’s mission and the constitutional function of the courts in protecting individual liberty and maintaining a civil society.
- *Fear and distrust* exist because people do not trust a system they do not understand and with which they have no connection or sense of ownership.

Challenges for both the courts and their communities

- *Strong leadership* is needed from both the courts and their communities to form effective collaboration.
- *Limited established mechanisms* exist for community involvement with the courts. This is a new field with little history and few guidelines to offer a framework for collaboration.



- *Limited resources* for basic functions of the courts may make additional programs or collaborations seem impossible.

Overcoming these barriers and meeting these challenges are larger than the individual court or the institution of the court. These efforts will require a long-term commitment to a relationship with the community and increased public trust and understanding from the community. Both sides benefit from collaboration, but in order to build support for further court and community collaborations, the benefits of existing collaborations must be demonstrated.

The enclosed *Opportunities for Courts and Communities* video can be used as a tool to showcase the benefits of court and community collaboration. The video presents a panel discussion that took place at the May 1998 Statewide Community-Focused Court Planning Conference. The panel of leaders in court community outreach included Hon. Veronica Simmons McBeth (Los Angeles Municipal Court), Hon. Darrell W. Stevens (Superior Court of California, County of Butte), Mr. Alexander Aikman (Superior Court of California, County of El Dorado), and Mr. Eric Lee (Center for Court Innovation, New York City, New York). Panel members were asked to discuss their successful court community outreach programs. This 75-minute video is an excellent overview of the wide range of projects available that benefit both the court and the community. You are encouraged to use this tool in presentations to court and community leaders who have questions about the role they can play in developing and continuing court community outreach programs in your community.

